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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/737,234

12/16/2003

Nick J. Grivas

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EXAMINER

PHUONG, DAI

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/737,234	Applicant(s) GRIVAS ET AL.	
	Examiner DAI A. PHUONG	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13, 14, 26-35 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-14, 26-35 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's election without traverse of group I, claims 1-10, 13-14, 26-35 and 39 in the reply filed on 01/11/2008 is acknowledged.

2. Applicant's arguments, filed 09/04/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-10, 13-14, 26-35 and 39 are currently pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9, 13, 26-35 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Holmes et al. (U.S. 6751475).

Regarding claim 1, Holmes et al. disclose a method, comprising:

providing a docking apparatus 23/52 coupled to interface with a vehicle 20 (fig. 1, col. 2, line 51 to col. 7, line 12, Holmes et al. disclose the mounting unit 23 provides an interface between the wireless device 22 and the vehicle 20);

communicatively coupling a remote communications device 22 to the docking apparatus 23/52 (fig. 1, col. 2, line 51 to col. 7, line 12, Holmes et al. disclose the communication between

the wireless device 22 and the mounting device 23 may be accomplished over an air interface using radio signals or the like),

wherein the remote communications device does not include a telematics functionality module (fig. 1, col. 2, line 51 to col. 7, line 12. Holmes et al. disclose the electronic control unit (ECU) 52 transmits a vehicle identification number 24/a telematics functionality module to the wireless device 22 via the mounting system 23. It is inherent that the wireless device does not include a vehicle identification number 24/ telematics functionality module when the wireless device is connected to the mounting system 23. Once it detects the wireless device, electronic control unit (ECU) 52 transmits the vehicle identification number 24/ telematics functionality module to the wireless device via the mounting device); and

the docking apparatus communicating with the remote communications device to include the telematics functionality module in a memory of the remote communications device (fig. 1, col. 2, line 51 to col. 7, line 12. Holmes et al. disclose the electronic control unit (ECU) 52 transmits a vehicle identification number 24/a telematics functionality module to the wireless device 22 via the mounting system 23. The wireless device 22 transmits the vehicle identification number 24 to the base station 28 and thus to the telecommunications network 30. It is inherent that the wireless device does not include a vehicle identification number 24/ telematics functionality module when the wireless device is connected to the mounting system 23. Once it detects the wireless device, electronic control unit (ECU) 52 transmits the vehicle identification number 24/ telematics functionality module to the wireless device via the mounting device. Again, the wireless device stores the vehicle identification number 24/ telematics functionality module in a memory after receiving).

Regarding claim 2, Holmes et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein the telematics functionality module comprises at least one of a vehicle specific application, a personal telematics application, a routing guidance application, a security application, a hands-free application, a noise cancellation application, an air bag system, and an emergency notification application (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 3, Holmes et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein the docking apparatus is a car kit (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 4, Holmes et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein communicatively coupling comprises communicatively coupling using at least one of a wireless link and a wireline link (fig. 1, col. 2, line 51 to col. 7, line 12)).

Regarding claim 5, Holmes et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method further comprising: the remote communications device detecting the docking apparatus; and the docking apparatus and the remote communications device exchanging capability data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 6, Holmes et al. disclose all the limitation in claim 5. Further, Holmes et al. disclose the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 7, Holmes et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method further comprising: the docking apparatus detecting the remote communications device; and the docking apparatus and the remote communications device exchanging capability data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 8, Holmes et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein the capability data comprises at least one of a software configuration, a hardware configuration, identification data and security data (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 9, Holmes et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein enabling the remote communications device with the telematics functionality module comprises rewriting at least a portion of a memory of the remote communications device to include the telematics functionality module (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 13, Holmes et al. disclose all the limitation in claim 1. Further, Holmes et al. disclose the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module into a memory of the remote communications device while the remote communications device is communicatively coupled to the docking apparatus, and wherein erasing the telematics functionality module from the memory when the remote communications device ceases being communicatively coupled to the docking apparatus (fig. 1, col. 2, line 51 to col. 7, line 12).

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 39, this claim is rejected for the same reason as set forth in claim 14.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes et al. (U.S. 6751475) in view of Ritter (Pub. No.: 20020094829).

Regarding claim 10, Holmes et al. disclose all the limitation in claim 1. However, Holmes et al. do not disclose the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module.

In the same field of endeavor, Ritter discloses the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module ([0043] to [0043]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including disclose the method wherein enabling the remote communications device with the telematics functionality module comprises downloading the telematics functionality module, as taught by Ritter, the motivation being in order provide information or location to the user.

Regarding claim 14, Holmes et al. disclose all the limitation in claim 1. However, Holmes et al. disclose the method further comprising: the docking apparatus querying the remote communication device for the presence of the telematics functionality module; and the docking apparatus supplying the remote communications device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module.

In the same field of endeavor, Ritter discloses the method further comprising: the docking apparatus querying the remote communication device for the presence of the telematics functionality module; and the docking apparatus supplying the remote communications device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module ([0043] to [0043]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the personal mobile phone of Holmes et al. by specifically including the method further comprising: the docking apparatus querying the remote communication device for the presence of the telematics functionality module; and the docking

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apparatus supplying the remote communications device with a download location to obtain the telematics functionality module; and downloading the telematics functionality module, as taught by Ritter, the motivation being in order provide information or location to the user.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dai A Phuong/
Examiner, Art Unit 2617
Date: 03/20/08

/Duc Nguyen/

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Supervisory Patent Examiner, Art Unit 2617